

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Re: Appeal to the Board of Patent Appeals and Interferences**

Appellants: Vidya Braj Lohray	)	Examiner: V. Balasubramanian
	)	
Serial No: 09/179,002	)	Group Art Unit: 1624
	)	
Filed: October 26, 1998	)	Deposit Account No: 04-1403
	)	
Confirmation No: 5185	)	Customer No: 22827
	)	
Title: New Heterocyclic Compounds and	)	Attorney Docket No: RED-8
Their Use in Medicine, Process for	)	
Their Preparation and	)	
Pharmaceutical Compositions	)	
Containing Them	)	

1. ☒ **NOTICE OF APPEAL**: Pursuant to 37 CFR 41.31, Applicant hereby appeals to the Board of Appeals from the decision dated 11/02/2007 of the Examiner twice/finally rejecting claims 10,70, and 100-111.
2. ☐ **BRIEF** on appeal in this application pursuant to 37 CFR 41.37 is transmitted herewith (1 copy).
3. ☐ An **ORAL HEARING** is respectfully requested under 37 CFR 41.47 (due within two months after Examiner's Answer).
4. ☐ Reply Brief under 37 CFR 41.41(b) is transmitted herewith (1 copy).
5. ☐ "Small entity" verified statement filed: [ ] herewith [ ] previously.

**6. FEE CALCULATION:**

If box 1 above is X'd enter \$	510.00	\$	<u>510.00</u>
If box 2 above is X'd enter \$	510.00	\$	<u>0.00</u>
If box 3 above is X'd enter \$	1,030.00	\$	<u>0.00</u>
If box 4 above is X'd enter -0- (no fee)		\$	<u>0.00</u>

**PETITION** is hereby made to extend the original due date of 02/02/2008, hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$120; 2 months \$460; 3 months \$1,050; 4 months \$1,640, 5 months \$2,230 \$ 1050.00

**SUBTOTAL:** \$ 1560.00

Less any previous extension fee paid since above original due date. - \$ 120.00

<u>Less</u> any previous fee paid for prior Notice of Appeal since Board did not render a decision on the merits. MPEP § 1204.01	-	\$	0.00
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Less any previous fee paid for submitting Brief on prior Appeal since

Board did not render a decision on the merits. MPEP § 1204.01 - \$ 0.00

**SUBTOTAL:** \$ 1440.00

If "small entity" verified statement filed ☐ previously,

☐ herewith, enter one-half (½) of subtotal and subtract - \$ 0.00

**TOTAL FEE ENCLOSED:** \$ 1440.00

☐ Fee enclosed.

☐ Charge fee to our Deposit Account/Order Nos. in the heading hereof (for which purpose one additional copy of this sheet is attached)

☒ Charge to credit card (attach Credit Card Payment Form – PTO 2038)

☐ Fee NOT required since paid in prior appeal in which the Board of Appeals did not render a decision on the merits.

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The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof. This statement does not authorize charge of the issue fee in this case.

**DORITY & MANNING ATTORNEYS AT LAW, P.A.**

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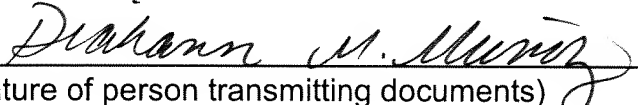
Date: 1 May 2008

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I hereby certify that this correspondence and all attachments and any fee(s) are being electronically transmitted via the internet to the U.S. Patent and Trademark Office using the Electronic Patent Filing System on 1 May 2008.

Diahann M. Munoz

(Typed or printed name of person transmitting documents)

  
(Signature of person transmitting documents)